



DEPARTMENT OF PUBLIC SERVICES

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VERN M. REDIFER, P.E., Director

October 2, 2008

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Office Of Air, Waste
And Toxics

TO: SEPA Interested Agencies

FROM: Steven Erickson, SEPA Responsible Official

SUBJ: PRJ2007-091/SEP2007-04/ZON2007-01 - Columbia Ready-Mix

Yakima County is issuing the attached *Preliminary Mitigated Determination of Non-Significance* to solicit comment from SEPA interested agencies. The notice provides a brief description of the above project, timeline for commenting and describes potential environmental impacts and mitigation options. Included with the notice is the environmental checklist and associated maps. If you have any questions on this proposal, please call Tommy Carroll at 574-2300.

PRELIMINARY
MITIGATED DETERMINATION OF NON-SIGNIFICANCE
And
ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENTS
October 2, 2008

1. **Description of Proposal:** The proposal is a modification of that certain development agreement recorded with the Yakima County Auditor on or about March 3, 2006, entered into by Yakima County and Columbia Ready Mix, Inc., (CRM) for CRM's Lateral 1 mine site. The purpose of this modification would be to allow CRM to process materials (including mining, crushing, and screening) on site and also to allow CRM to haul processed materials from the site year-round.
2. **File Numbers:** PRJ2007-091/SEP2007-04/ZON2007-01
3. **Owner:** Columbia Ready Mix, Inc., LS Wapato, LLC,
PO Box 9337
Yakima, WA 98909
4. **Location of Proposal:** The property is located on the north side of Lateral 1 Road, about 1,700 feet east of Lateral B Road an about 3.5 miles northwest of Wapato. Parcel Nos.191231-31002 and 31001.
5. **Lead Agency:** Yakima County Planning Division
6. **Title of document(s) being adopted:** Notice of Environmental Review - Determination of Non-significance, File No.: ZON 04-08/SEP04-54, Columbia Ready Mix and adopt by reference Mitigated Determination of Non-significance and File No.: SEP06-043, Columbia Ready Mix and Determination of Non-Significance (Text Amendment)
7. **Agency that prepared document being adopted:** Yakima County Planning Division
8. **Date adopted document(s) prepared:** September 1, 2005 and August 9, 2006
9. **Description of document(s) (or portion) being adopted:** As part of the 2005 Comprehensive Plan amendment cycle, CRM applied for an amendment to the Yakima County Comprehensive Plan - *Plan 2015* Future Land Use map and for a rezone on two parcels approximately 78.8 acres in size located on Lateral 1 Road near Wapato (Ordinance 10-2005). Concurrently, CRM applied for a Mining Site Operations Plan (CUP06-03) to mine sand and gravel on those two parcels. A Mitigated Determination of Non-significance (MDNS) was issued by Yakima County on the proposal that adequately demonstrated that all environmental impacts associated with the land use and zoning change (ZON04-08) and mining proposal (CUP06-03) could be effectively mitigated if the applicant follows all mitigating measures outlined in the MDNS.

After SEPA was finalized the Board of Yakima County Commissioners (BOCC) applied additional restrictions on CRM's mining proposal. A Development Agreement with the

applicants was entered into by Yakima County and CRM. The Development Agreement stipulated that no crushing or screening would occur on site and that hauling of stockpiled materials was restricted to the months of July, August and September, even though the MDNS outlined mitigation for these actions. The Development Agreement further provided that it could be amended upon agreement of the parties following the public review and comment procedures for a minor rezone.

An appeal was filed by Superior Asphalt & Concrete Co. to the Eastern Washington Growth Management Hearings Board (Hearings Board) as a result of the approval of CRM application by the BOCC. Superior Asphalt brought forth eight separate issues to the Hearings Board. The Hearings Board found Yakima County out of compliance on one of the issues (Issue No. 7), and stated that the County was "clearly erroneous in their failure to properly conduct the environmental review as required by RCW 43.21C and the Growth Management Act. The County is out of compliance." The issue pertained to the County's failure to properly address the text amendment that allowed the re-designation of agricultural resource lands to mineral resource lands without the use of the criteria designed for such designation. The County was ordered to take appropriate legislative action to become compliant with the Order by September 18, 2006. Yakima County issued a separate DNS (SEP06-043) on August 9, 2006, that addressed the text amendment thus resulting in compliance. The County's compliance actions were not further appealed. Both of the above-described SEPA documents are being adopted herein.

10. **If the document being adopted has been challenged (WAC 197-11-630), please describe:** As stated above, the MDNS (SEP04-54) was challenged by Superior Asphalt & Concrete Co. to the Eastern Washington Growth Management Hearings Board (Case No. 05-1-0012) for failure to address the text amendment. The Hearings Board found that the County was out of compliance. The subsequent DNS (SEP06-43) addressed the text amendment and the County was brought into compliance. No aspect of the MDNS that pertains to the current proposal requesting a modification of the Development Agreement to allow for crushing or screening on site and year round hauling of stockpiled materials was challenged. Therefore, it is the County's intention to adopt the existing MDNS and DNS.
11. **Determination:** The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The lead agency identified and adopted the documents described above as being appropriate for the proposal after independent review. These documents meet the environmental review needs for the current proposal to modify the development agreement and will accompany the proposal to the decision-maker. This decision was made after a careful review of the completed environmental checklist, and other information on file with the lead agency. This information (including all environmental documentation) is available to the public on request and can be examined in our offices during regular business hours. Environmental documents include: SEPA checklist, this threshold determination and submittal materials.
12. **The document is available to be read at (place/time):** Yakima County Public Services Fourth Floor County Courthouse, 128 North 2nd Street, Yakima between 9:00 am and 4:30 pm.
13. **Required Mitigation:** The MDNS issued on September 1, 2005 contains mitigation measures that shall constitute the mitigation required for the present proposal.
14. **Comment and Appeal Information:** This Preliminary MDNS is issued under WAC 197-11-340(2). The Lead Agency will not act on this proposal for 14 days from the date of issuance. You may submit comments on this proposal to the address below before 4:30 p.m. on October 16, 2008. Agencies and those providing comments will receive the final threshold determination.

Appeal information will be provided with the final threshold determination. For information on the comment or appeal processes, or on other issues relating to this proposal, contact Tommy Carroll, Project Planner at (509) 574-2300

15. **SEPA Responsible Official:** 
STEVEN M. ERICKSON
16. **Position/Title:** Planning Official / SEPA Responsible Official
17. **Address:** 4th Floor Yakima County Courthouse, Yakima, WA 98901
18. **Date:** October 2, 2008

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